

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

JS - 6

Case No. CV 15-948 PSG (JEMx)

Date April 6, 2015

Title Ralph A. Ronda, *et al.* v. Wells Fargo Bank

Present: The Honorable Philip S. Gutierrez, United States District Judge

Wendy Hernandez

Not Reported

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings (In Chambers): Order GRANTING Defendant's motion to dismiss the action.

Pending before the Court is Defendant Wells Fargo Bank, N.A.'s¹ ("Defendant") motion to dismiss Plaintiffs' Ralph A. Ronda and Gladys M. Ronda's ("Plaintiffs") action. Dkt. # 10. The Court finds the matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78(b); L.R. 7-15. After considering the papers submitted by Defendant, the Court GRANTS Defendant's motion.

On February 10, 2015, Plaintiffs filed a "verified petition for temporary injunction." Dkt. # 1. However, Plaintiffs have failed to file a Complaint in this action. An application for a temporary restraining order, on its own, is not a pleading. *See* Fed. R. Civ. P. 7(a). Nevertheless, the Court notes that Plaintiffs are proceeding in this action *pro se*. The Court is ordinarily required to liberally interpret the pleadings of *pro se* litigants. *See Bernhard v. Los Angeles County*, 339 F.3d 920, 925 (9th Cir. 2003). As the Supreme Court has explained, "a *pro se* complaint . . . must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Accordingly, the Court will deem Plaintiffs filing as the filing of a Complaint.

Defendant's motion is set for hearing on April 13, 2015. *See* Dkt. # 10. As a result, Plaintiff's opposition brief was due by March 23, 2015. *See* L.R. 7-9. Plaintiffs have not filed an opposition. *See* Dkt. # 16. Accordingly, pursuant to Local Rule 7-12, the Court deems Plaintiffs to have consented to the motion. Plaintiffs have not requested leave to amend. Therefore, Plaintiffs' action is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

¹Erroneously sued as Wells Fargo Bank.

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